

Remarks

In the outstanding Official Action, the Examiner:

- (1) rejected claims 1, 2, 8-10 and 12 under 35 USC 102(b) as being anticipated by Osborne; and
- (2) rejected claims 3-7 and 11 under 35 USC 103(a) as being unpatentable over Osborne.

In response to Items 1 and above, Applicant has now canceled claim 1 and added new claim 13.

Claim 13 of the present invention comprises a supraglottic and peri-laryngeal apparatus for insertion of an airway device from a buccal cavity into a pharyngeal cavity of an upper airway region of a patient, the apparatus comprising an offset member having a proximal end and a distal end, a first portion at the proximal end of the offset member, a second portion at the distal end of the offset member, and an arcuate portion between the first portion and the second portion, the first portion having a first given length, the second portion having a second given length, the arcuate portion forming a given angle; a handle member in attachment to the first portion of the offset member, and a compressor-lever shield member having a proximal end and a distal end, a third portion extending from the proximal end to the distal end of the compressor-lever shield, the third portion having a third given length, the second given length of the second portion and the third given length of the third given portion extending a given distance to position the distal end of the compressor-lever shield within a vallecula adjacent to an epiglottis in the pharyngeal

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cavity with the first portion of the offset member disposed on a dorsal surface of the tongue, wherein the first given length, the second given length, the third given length, the fourth given length, and the given angle of the arcuate portion are configured for simultaneously flattening the tongue in the buccal cavity with the first portion, compressing and lifting the tongue in the pharyngeal cavity with the second portion and the third portion, and mechanically unfolding the epiglottis with the distal end of the compressor-lever shield advanced into the vallecula.

Applicant has carefully studied Osborne '409 and believes that Osborne '409 discloses a tongue depressor having a proximal end and a distal end with a curved portion therebetween, the distal end extending a relatively short length from the curved portion so as to extend over the distal end of the tongue within the oropharynx. However, the distal end of the tongue depressor of Osborne '409 does not appear to disclose an adequate length to extend to the base of the tongue in the hypopharynx so as to apply forward and anterior traction from the base of the tongue adjacent to the vallecula. Furthermore, Applicant believes that the dimensions of the tongue depressor disclosed in Osborne '409 has a length distal to the curved portion which appears to extend only a short distance along the dorsal surface of the tongue. This extension does not appear have an adequate length required to reach the base of the tongue and apply pressure to the vallecula and raise the epiglottis while the portion of the tongue depressor between the curved portion and the

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proximal end compresses the tongue in the buccal cavity. Accordingly, claim 13 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 2-11, which depend either directly or ultimately from independent claim 13, are believed to be in condition for allowance for at least the above-identified reasons.

In the event that any additional fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Respectfully submitted,

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